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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,223	03/10/2005	Pascal Vacher	17102/015001	3230

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OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

EXAMINER

GRAHAM, GARY K

ART UNIT PAPER NUMBER

1744

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/527,223

Applicant(s)

VACHER, PASCAL

Examiner

Gary K. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bacher (German patent 1108580).

The patent to Bacher discloses the invention as is claimed, including an arm (1) pivotally coupled to a wiper blade (3-6) via a pivot spindle. The arm has an end rod (11) received longitudinally in an independent adapter (2) mounted on the blade. The adapter is substantially U-shaped in cross section (fig.4) and has flanges (18), each with a hole (not numbered but shown) therein. The adapter includes a locking means (21,22,23) as part of a housing for longitudinal and transverse locking of the arm therein. The adapter of Bacher has an open entry end defining a longitudinal opening therethrough which allows passage of the rod when it is fitted therein. Such opening is considered to be in a web between the flanges (18, see fig.4).

With respect to claim 7, note snapping-in rib (23) on an internal surface of the adapter and stop (24), which is a profiled catch at the end of the rod.

With respect to claim 8, the cross-member portion of the adapter to which the finger (21) is attached acts to transversely lock the rod as is claimed.

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Claims 1-5 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kushida (US patent 3,831,222).

The patent to Kushida discloses the invention as is claimed, including an arm (1) pivotally coupled to a wiper blade (2,3) via a pivot spindle or cross pin. The arm has an end rod (fig.8) received longitudinally in an adapter (4) mounted on the blade. The adapter is substantially U-shaped in cross section (fig.3) and has flanges (17), each with a hole (18) therein. The adapter includes a locking means (42,45,12) as part of a housing for longitudinal and transverse locking of the arm therein. The locking mean is comprised of an articulated part (42,43,47) having a tenon (45) thereon that is received into an orifice (61,fig.8) for longitudinal locking of the arm. The adapter of Kushida has an open entry end defining a longitudinal opening therethrough which allows passage of the rod when it is fitted therein. Such opening is considered to be in a web between the flanges (17, see fig.4).

With respect to claim 4, the cross-member portion of the adapter includes a flexible tongue (42) carrying the tenon.

With respect to claim 8, member (46) of Kushida is considered to be the fixed cross-member.

Response to Arguments

Applicant's arguments filed 05 May 2006 have been fully considered but they are not persuasive. Applicant argues that the applied references do not have a longitudinal opening in a web of the adapter allowing passage of the rod when the rod is fitted. As set forth above, it appears the applied references do have an opening in a web of the adapter, at least as far as defined. In Bacher, the structure of the adapter provided between the flanges appears as a web, at least as far as defined (see fig.4). Such web acts to connect the flanges. Thus, the opening (10) is provided in a web and allows passage of the rod when fitted. While applicant discusses that his rod may be inclined upwards through the longitudinal opening to allow easy entry, such inclined assembly is not claimed. It is noted that applicant does not set forth any particular location for the opening, other than being in a web. No specific orientation for the web has been established. Thus Bacher appears to meet the claims. Likewise, in Kushida the structure (11,12,13,14,15) appear as a web between the flanges (17). Thus, the opening at the end thereof is provided in the web and allows passage of the rod when fitted. While applicant discusses that his rod may be inclined upwards through the longitudinal opening to allow easy entry, such inclined assembly is not claimed. It is noted that applicant does not set forth any particular location for the opening, other than being in a web. No specific orientation for the web has been established.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

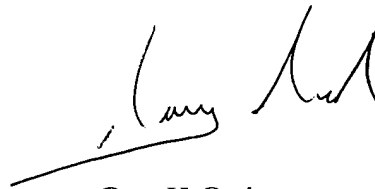
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Gary K. Graham", with a long horizontal line extending from the bottom left of the signature.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
24 July 2006